United States Department of Labor Employees' Compensation Appeals Board

J.Y., Appellant)
and) Docket No. 21-0206) Issued: October 29, 2021
DEPARTMENT OF THE ARMY, PINE BLUFF ARSENAL, Pine Bluff, AK, Employer) 155ucu. October 25, 2021)
Appearances: Furonda Brasfield, Esq., for the appellant ¹ Office of Solicitor, for the Director	Case Submitted on the Record

ORDER DISMISSING APPEAL

Before:

ALEC J. KOROMILAS, Chief Judge PATRICIA H. FITZGERALD, Alternate Judge VALERIE D. EVANS-HARRELL, Alternate Judge

On November 5, 2020 appellant, through counsel, sought an appeal from a January 14, 2020 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 21-0206.

The Board, having duly considered this matter, notes that the Board has jurisdiction to review final adverse decisions of OWCP issued under the Federal Employees' Compensation Act.² For final adverse decisions of OWCP issued on or after November 19, 2008, the Board's review authority is limited to appeals, which are filed within 180 days from the date of issuance of OWCP's decision.³ The 180th day following the January 14, 2020 decision was July 12, 2020. As

¹ In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; *see also* 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

² 5 U.S.C. § 8101 et seq.; 20 C.F.R. §§ 501.2(c) and 501.3(a).

³ 20 C.F.R. § 501.3(e) provides in pertinent part: "Any notice of appeal must be filed within 180 days from the date of issuance of a decision of the OWCP."

appellant did not file an appeal with the Board until November 5, 2020, more than 180 days after the January 14, 2020 OWCP decision, the Board finds that the appeal docketed as No. 21-0206 is untimely filed. He has not offered a reason to explain the failure to timely file an appeal with supporting documentation sufficient to establish compelling circumstances. As there is no final adverse decision issued by OWCP over which the Board may properly exercise jurisdiction, the Board concludes that the appeal docketed as No. 21-0206 must be dismissed. Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 21-0206 is dismissed.

Issued: October 29, 2021

Washington, DC

Alec J. Koromilas, Chief Judge Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Alternate Judge Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge Employees' Compensation Appeals Board